

By: West

S.B. No. 718

A BILL TO BE ENTITLED

AN ACT

relating to voluntary and involuntary mental health services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 572, Health and Safety Code, is amended to read as follows:

CHAPTER 572. VOLUNTARY [~~INPATIENT~~] MENTAL HEALTH SERVICES

SECTION 2. Section 572.001, Health and Safety Code, is amended by amending Subsections (a), (c), and (d) and adding Subsection (c-1) to read as follows:

(a) A person 16 years of age or older or a person younger than 16 years of age who is or has been married may request admission to an inpatient mental health facility or for outpatient mental health services by filing a request with the administrator of the facility where [~~to which~~] admission is requested. The parent, managing conservator, or guardian of a person younger than 18 years of age who is not and has not been married may request the admission of the person to an inpatient mental health facility or for outpatient mental health services by filing a request with the administrator of the facility where [~~to which~~] admission is requested.

(c) A person or agency appointed as the guardian or a managing conservator of a person younger than 18 years of age and acting as an employee or agent of the state or a political subdivision of the state may request admission of the person

1 younger than 18 years of age only with the person's consent. If the  
2 person does not consent, the person may be admitted for inpatient or  
3 outpatient services only pursuant to an application for  
4 court-ordered mental health services or emergency detention or an  
5 order for protective custody.

6 (c-1) A person younger than 18 years of age who is not and  
7 has not been married may be involuntarily committed under this  
8 subtitle only if the person may not be voluntarily admitted under  
9 this chapter as provided by this chapter, other state law, or  
10 department rule.

11 (d) The administrator of an inpatient or outpatient mental  
12 health facility may admit a minor who is 16 years of age or older or  
13 a person younger than 16 years of age who is or has been married to  
14 an inpatient or outpatient mental health facility as a voluntary  
15 patient without the consent of the parent, managing conservator, or  
16 guardian.

17 SECTION 3. Section 572.002, Health and Safety Code, is  
18 amended to read as follows:

19 Sec. 572.002. ADMISSION. The facility administrator or the  
20 administrator's authorized, qualified designee may admit a person  
21 for whom a proper request for voluntary inpatient or outpatient  
22 services is filed if the administrator or the designee determines:

23 (1) from a preliminary examination that the person has  
24 symptoms of mental illness and will benefit from the inpatient or  
25 outpatient services;

26 (2) that the person has been informed of the person's  
27 rights as a voluntary patient; and

(3) that the admission was voluntarily agreed to:

(A) by the person, if the person is:

(i) 16 years of age or older; or

(ii) younger than 16 years of age and is or  
has been married; or

(B) by the person's parent, managing  
conservator, or guardian, if the person is younger than 18 years of  
age and is not and has not been married.

SECTION 4. This Act takes effect immediately if it receives  
a vote of two-thirds of all the members elected to each house, as  
provided by Section 39, Article III, Texas Constitution. If this  
Act does not receive the vote necessary for immediate effect, this  
Act takes effect September 1, 2013.